

Application Serial No. 10/005,465
Office Action dated December 11, 2003
Reply dated May 11, 2004

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-28 and 34-36, the only claims pending and currently under examination in this application.

It is noted that the subject matter of Claims 24 to 28 has been found allowable over the prior art.

Rejection Under 35 U.S.C. § 103

Claims 1-23 and 34-36 stand rejected as being obvious under 35 U.S.C. §103(a) in view of Nelson (U.S.P.N. 4,323,558) and Boltralik (U.S.P.N. 5,420,120) and further in view of Krejci.

The above rejection is based on the belief by the Examiner that Krejci discloses the use of a copper chelator for treatment of eyeburns.

However, Krejci discloses the application of diethylenetriamine to eyes as a neutralizing agent for treatment of acid eye burns. It is the Applicants' understanding that diethylenetriamine is not, in fact, a copper chelator. As such, contrary to the Examiner's understanding, Krejci does not in fact teach application of a copper chelator to eyes.

As the Examiner's rejection is based on the misunderstanding that Krejci teaches application of a copper chelator to eyes, it is believed that Krejci does not make up for the deficiencies in the primary references cited by the Examiner, deficiencies that have been previously discussed in the Applicants' previous response.

Accordingly, it is believed that the rejection of Claims 1-23 and 34-36 as obvious under 35 U.S.C. §103(a) in view of Nelson (U.S.P.N. 4,323,558) and Boltralik (U.S.P.N. 5,420,120) and further in view of Krejci may be withdrawn.

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CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number SMAR-019.

Respectfully submitted,

Date: May 11, 2004

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